

Chapter 46.01 RCW
DEPARTMENT OF LICENSING

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RCW 46.01.011 Purpose. The legislature finds that the department of licensing administers laws relating to the licensing and regulation of professions, businesses, and other activities in addition to administering laws relating to the licensing and regulation of vehicles and vehicle operators, dealers, and manufacturers. The laws administered by the department have the common denominator of licensing and regulation and are directed toward protecting and enhancing the well-being of the residents of the state. [2010 c 161 § 201; 1994 c 92 § 500; 1979 c 158 § 113; 1977 ex.s. c 334 § 1.]

Effective date—Intent—Legislation to reconcile chapter 161, Laws of 2010 and other amendments made during the 2010 legislative session—2010 c 161: See notes following RCW 46.04.013.

Effective date—1977 ex.s. c 334: "This 1977 amendatory act shall take effect on July 1, 1977." [1977 ex.s. c 334 § 8.]

RCW 46.01.020 Department created. A department of the government of this state to be known as the "department of licensing" is hereby created. [1979 c 158 § 114; 1977 ex.s. c 334 § 2; 1965 c 156 § 2.]

Effective date—1977 ex.s. c 334: See note following RCW 46.01.011.

RCW 46.01.030 Administration and improvement of certain motor vehicle laws. The department is responsible for administering and recommending the improvement of the motor vehicle laws of this state relating to:

- (1) Driver examining and licensing;
- (2) Driver improvement;
- (3) Driver records;
- (4) Financial responsibility;
- (5) Certificates of title;
- (6) Vehicle registration certificates and license plates;
- (7) Proration and reciprocity;
- (8) Liquid fuel tax collections;
- (9) Licensing of dealers, motor vehicle transporters, motor vehicle wreckers, for hire vehicles, and drivers' schools;
- (10) General highway safety promotion in cooperation with the Washington state patrol and traffic safety commission; and

(11) Such other activities as the legislature may provide. [2010 c 161 § 1107; 1990 c 250 § 14; 1965 c 156 § 3.]

Effective date—Intent—Legislation to reconcile chapter 161, Laws of 2010 and other amendments made during the 2010 legislative session—2010 c 161: See notes following RCW 46.04.013.

RCW 46.01.040 Powers, duties, and functions relating to motor vehicle laws vested in department. The department is vested with all powers, functions, and duties with respect to and including the following:

(1) The fuel tax and aircraft fuel tax as provided in chapters 82.38 and 82.42 RCW;

(2) The motor vehicle excise tax as provided in chapter 82.44 RCW;

(3) The travel trailers and campers excise tax as provided in chapter 82.50 RCW;

(4) All general powers and duties relating to motor vehicles as provided in chapter 46.08 RCW;

(5) Certificates of title and registration certificates as provided in chapters 46.12 and 46.16A RCW;

(6) The registration of motor vehicles as provided in chapter 46.16A RCW;

(7) Dealers' licenses as provided in chapter 46.70 RCW;

(8) The licensing of motor vehicle transporters as provided in chapter 46.76 RCW;

(9) The licensing of vehicle wreckers as provided in chapter 46.80 RCW;

(10) The administration of the laws relating to reciprocal or proportional registration of motor vehicles as provided in chapter 46.85 RCW;

(11) The licensing of passenger vehicles for hire as provided in chapter 46.72 RCW;

(12) Drivers' licenses as provided in chapter 46.20 RCW;

(13) Commercial driver training schools as provided in chapter 46.82 RCW;

(14) Financial responsibility as provided in chapter 46.29 RCW;

(15) Accident reporting as provided in chapter 46.52 RCW;

(16) Disposition of revenues as provided in chapter 46.68 RCW;

and

(17) The administration of all other laws relating to motor vehicles vested in the director of licenses on June 30, 1965. [2013 c 225 § 606; 2011 c 171 § 10; 2010 c 161 § 1108; 1983 c 3 § 117; 1979 c 158 § 115; 1965 c 156 § 4.]

Effective date—2013 c 225: See note following RCW 82.38.010.

Intent—Effective date—2011 c 171: See notes following RCW 4.24.210.

Effective date—Intent—Legislation to reconcile chapter 161, Laws of 2010 and other amendments made during the 2010 legislative session—2010 c 161: See notes following RCW 46.04.013.

RCW 46.01.070 Functions performed by state patrol as agent for director of licenses transferred to department. Functions named in RCW 46.01.030 which have been performed by the state patrol as agent of the director of licenses before June 30, 1965 shall be performed by the department of licensing after June 30, 1965. [1979 c 158 § 118; 1965 c 156 § 7.]

RCW 46.01.100 Organization of department. Directors shall organize the department in such manner as they may deem necessary to segregate and conduct the work of the department. [1990 c 250 § 16; 1965 c 156 § 10.]

RCW 46.01.110 Rule-making authority. The director may adopt and enforce rules to carry out provisions related to vehicle registrations, certificates of title, and drivers' licenses. These rules must not be based:

(1) Solely on a section of law stating a statute's intent or purpose;

(2) On the enabling provisions of the statute establishing the agency; or

(3) On any combination of subsections (1) and (2) of this section. [2010 c 161 § 202; 1995 c 403 § 108; 1979 c 158 § 120; 1965 c 156 § 11; 1961 c 12 § 46.08.140. Prior: 1937 c 188 § 79; RRS § 6312-79. Formerly RCW 46.08.140.]

Effective date—Intent—Legislation to reconcile chapter 161, Laws of 2010 and other amendments made during the 2010 legislative session—2010 c 161: See notes following RCW 46.04.013.

Findings—Short title—Intent—1995 c 403: See note following RCW 34.05.328.

RCW 46.01.115 Rules to implement 1998 c 165. The department of licensing may adopt rules as necessary to implement chapter 165, Laws of 1998. [1998 c 165 § 14.]

Effective date—1998 c 165 §§ 8-14: See note following RCW 46.52.070.

Short title—1998 c 165: See note following RCW 43.59.010.

RCW 46.01.130 Powers and duties of director—Vehicle registration, appointments, branch offices, personnel screening. The director:

(1) Shall supervise and control the issuing of vehicle certificates of title, vehicle registrations, and vehicle license plates, and has the full power to do all things necessary and proper to carry out the provisions of the law relating to the registration of vehicles;

(2) May appoint and employ deputies, assistants, representatives, and clerks;

(3) May establish branch offices in different parts of the state;

(4) May appoint county auditors in Washington state or, in the absence of a county auditor, the department or an official of county government as agents for applications for and the issuance of vehicle certificates of title and vehicle registrations; and

(5) (a) Shall investigate the conviction records and pending charges of any current employee of or prospective employee being considered for any position with the department who has or will have:

(i) (A) The ability to create or modify records of applicants for enhanced drivers' licenses and identicards issued under RCW 46.20.202; and

(B) The ability to issue enhanced drivers' licenses and identicards under RCW 46.20.202; or

(ii) The ability to conduct examinations under RCW 46.25.060; or

(iii) Access to information pertaining to vehicle license plates, drivers' licenses, or identicards under RCW 46.08.066, or vessel registrations issued under RCW 88.02.330 that, alone or in combination with any other information, may reveal the identity of an individual, or reveal that an individual is or was, performing an undercover or covert law enforcement, confidential public health work, public assistance fraud, or child support investigative activity.

(b) The investigation consists of a background check as authorized under RCW 10.97.050, 43.43.833, and 43.43.834, and the federal bureau of investigation. The background check must be conducted through the Washington state patrol criminal identification section and may include a national check from the federal bureau of investigation, which is through the submission of fingerprints. The director shall use the information solely to determine the character, suitability, and competence of current or prospective employees subject to this section.

(c) The director shall investigate the conviction records and pending charges of an employee subject to:

(i) Subsection (5) (a) (i) of this section every five years; and

(ii) Subsection (5) (a) (ii) of this section as required under 49 C.F.R. Sec. 384.228 as it existed on July 8, 2014, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section.

(d) Criminal justice agencies shall provide the director with information that they may possess and that the director may require solely to determine the employment suitability of current or prospective employees subject to this section. [2013 c 336 § 1; 2013 c 224 § 1; 2010 c 161 § 203; 2009 c 169 § 1; 1979 c 158 § 121; 1973 c 103 § 2; 1971 ex.s. c 231 § 8; 1965 c 156 § 13; 1961 c 12 § 46.08.090. Prior: 1937 c 188 § 26; RRS § 6312-26; prior: 1921 c 96 § 3, part; 1917 c 155 § 2, part; 1915 c 142 § 3, part. Formerly RCW 46.08.090.]

Reviser's note: This section was amended by 2013 c 224 § 1 and by 2013 c 336 § 1, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Effective date—2013 c 336: See note following RCW 46.08.066.

Effective date—2013 c 224: "Sections 1 and 3 through 14 of this act take effect July 8, 2014." [2013 c 224 § 17.]

Effective date—Intent—Legislation to reconcile chapter 161, Laws of 2010 and other amendments made during the 2010 legislative session—2010 c 161: See notes following RCW 46.04.013.

Severability—1973 c 103: "If any provision of this 1973 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1973 c 103 § 9.]

Effective date—1971 ex.s. c 231: "(1) Sections 1 through 7 of this 1971 amendatory act shall take effect on January 1, 1972.

(2) Sections 8 through 23 of this 1971 amendatory act shall take effect on January 1, 1973." [1971 ex.s. c 231 § 24.]

RCW 46.01.135 Establishment of investigation unit—Use of criminal history information. (1) There is established an investigation unit within the department for the purpose of detection, investigation, and prosecution of any act prohibited or declared to be unlawful in the programs administered by the department. The director will employ qualified supervisory, legal, and investigative personnel for the program. Program staff must be qualified by training and experience.

(2) The director and the investigation unit are authorized to receive criminal history record information that includes nonconviction data for any purpose associated with an investigation conducted by the investigation unit established under this section. Dissemination or use of nonconviction data for purposes other than that authorized in this section is prohibited. [2008 c 74 § 6.]

Finding—2008 c 74: See note following RCW 51.04.024.

RCW 46.01.140 County auditors, agents, and subagents—Powers and duties—Standard contracts—Rules. (1) **County auditor/agent duties.** A county auditor or other agent appointed by the director must:

(a) Enter into a standard contract provided by the director;

(b) Provide all services authorized by the director for vehicle certificates of title and vehicle registration applications and issuance under the direction and supervision of the director including, but not limited to:

(i) Processing reports of sale;

(ii) Processing transitional ownership transactions;

(iii) Processing mail-in vehicle registration renewals until directed otherwise by legislative authority;

(iv) Issuing registrations and temporary ORV use permits for off-road vehicles as required under chapter 46.09 RCW;

(v) Issuing registrations for snowmobiles as required under chapter 46.10 RCW; and

(vi) Collecting fees and taxes as required;

(c) If authorized by the director, offer for sale discover passes as provided in chapter 79A.80 RCW.

(2) **County auditor/agent assistants and subagents.** A county auditor or other agent appointed by the director may, with approval of the director:

(a) Appoint assistants as special deputies to accept applications for vehicle certificates of title and to issue vehicle registrations; and

(b) Recommend and request that the director appoint subagencies within the county to accept applications for vehicle certificates of title and vehicle registration application issuance.

(3) **Appointing subagents.** A county auditor or other agent appointed by the director who requests a subagency must, with approval of the director:

(a) Use an open competitive process including, but not limited to, a written business proposal and oral interview to determine the qualifications of all interested applicants; and

(b) Submit all proposals to the director with a recommendation for appointment of one or more subagents who have applied through the open competitive process. If a qualified successor who is an existing subagent's sibling, spouse, or child, or a subagency employee has applied, the county auditor must provide the name of the qualified successor and the name of one other applicant who is qualified and was chosen through the open competitive process.

(4) **Subagent duties.** A subagent appointed by the director must:

(a) Enter into a standard contract with the county auditor or agent provided by the director;

(b) Provide all services authorized by the director for vehicle certificates of title and vehicle registration applications and issuance under the direction and supervision of the county auditor or agent and the director including, but not limited to:

(i) Processing reports of sale;

(ii) Processing transitional ownership transactions;

(iii) Mailing out vehicle registrations and replacement plates to internet payment option customers until directed otherwise by legislative authority;

(iv) Issuing registrations and temporary ORV use permits for off-road vehicles as required under chapter 46.09 RCW;

(v) Issuing registrations for snowmobiles as required under chapter 46.10 RCW; and

(vi) Collecting fees and taxes as required; and

(c) If authorized by the director, offer for sale discover passes as provided in chapter 79A.80 RCW.

(5) **Subagent successorship.** A subagent appointed by the director who no longer wants his or her appointment may recommend a successor who is the subagent's sibling, spouse, or child, or a subagency employee. The recommended successor must participate in the open competitive process used to select an applicant. In making successor recommendations and appointment determinations, the following provisions apply:

(a) If a subagency is held by a partnership or corporate entity, the nomination must be submitted on behalf of, and agreed to by, all partners or corporate officers;

(b) A subagent may not receive any direct or indirect compensation or remuneration from any party or entity in recognition of a successor nomination. A subagent may not receive any financial benefit from the transfer or termination of an appointment;

(c) The appointment of a successor is intended to assist in the efficient transfer of appointments to minimize public inconvenience. The appointment of a successor does not create a proprietary or property interest in the appointment;

(d) A subagent appointee who is planning to retire within twelve months may recommend a successor without resigning his or her appointment by submitting a letter of intent to retire with a successor recommendation to the county auditor or other agent appointed by the director. The county auditor or other agent appointed by the director shall, within sixty days, respond in writing to the subagent appointee indicating if the recommended successor would be considered in the open competitive process. If there are negative factors or deficiencies pertaining to the subagency operation or the recommended successor, the county auditor or other agent appointed by the director must state these factors in writing to the subagent appointee. The subagent appointee may withdraw the letter of intent to retire any time prior to the start of the open competitive process by writing to the county auditor or other agent appointed by the director and filing a copy with the director;

(e) A subagent appointee may name a recommended successor at any time during his or her appointment by notifying the county auditor or other agent appointed by the director in writing and filing a copy with the director. The purpose of this recommendation is for the county auditor or other agent appointed by the director to know the wishes of the subagent appointee in the event of the death or incapacitation of a sole subagent appointee or last remaining subagent appointee that could lead to the inability of the subagent to continue to fulfill the obligations of the appointment; and

(f) If the county auditor or other agent appointed by the director does not select the recommended successor for appointment as a result of the open competitive process, the county auditor or other agent appointed by the director must contact the subagent appointee by letter and explain the decision. The subagent appointee must be provided an opportunity to respond in writing. Any response by the subagent appointee must be included in the open competitive process materials submitted to the department.

(6) **Standard contracts.** The standard contracts provided by the director in this section may include provisions that the director deems necessary to ensure that readily accessible and acceptable service is provided to the citizens of the state, including the full collection of fees and taxes. The standard contracts must include provisions that:

(a) Describe responsibilities and liabilities of each party related to service expectations and levels;

(b) Describe the equipment to be supplied by the department and equipment maintenance;

(c) Require specific types of insurance or bonds, or both, to protect the state against any loss of collected revenue or loss of equipment;

(d) Specify the amount of training that will be provided by each of the parties;

(e) Describe allowable costs that may be charged for vehicle registration activities as described in subsection (7) of this section; and

(f) Describe causes and procedures for termination of the contract, which may include mediation and binding arbitration.

(7) **County auditor/agent cost reimbursement.** A county auditor or other agent appointed by the director who does not cover expenses for services provided by the standard contract may submit to the department a request for cost-coverage moneys. The request must be submitted on a form developed by the department. The department must

develop procedures to standardize and identify allowable costs and to verify whether a request is reasonable. Payment must be made on those requests found to be allowable from the licensing services account.

(8) **County auditor/agent revenue disbursement.** County revenues that exceed the cost of providing services described in the standard contract, calculated in accordance with the procedures in subsection (7) of this section, must be expended as determined by the county legislative authority during the process established by law for adoption of county budgets.

(9) **Appointment authority.** The director has final appointment authority for county auditors or other agents or subagents.

(10) **Rules.** The director may adopt rules to implement this section. [2013 c 169 § 1; 2012 c 261 § 10; 2011 c 171 § 11. Prior: 2010 1st sp.s. c 7 § 139; 2010 c 221 § 1; 2010 c 161 § 204; 2005 c 343 § 1; 2003 c 370 § 3; 2001 c 331 § 1; 1996 c 315 § 1; 1992 c 216 § 1; 1991 c 339 § 16; 1990 c 250 § 89; 1988 c 12 § 1; 1987 c 302 § 1; 1985 c 380 § 12; prior: 1983 c 77 § 1; 1983 c 26 § 1; 1980 c 114 § 2; 1979 c 158 § 122; 1975 1st ex.s. c 146 § 1; 1973 c 103 § 1; 1971 ex.s. c 231 § 9; 1971 ex.s. c 91 § 3; 1965 c 156 § 14; 1963 c 85 § 1; 1961 c 12 § 46.08.100; prior: 1955 c 89 § 3; 1937 c 188 § 27; RRS § 6312-27. Formerly RCW 46.08.100.]

Effective date—2012 c 261: See note following RCW 79A.80.010.

Intent—Effective date—2011 c 171: See notes following RCW 4.24.210.

Effective date—2010 1st sp.s. c 26; 2010 1st sp.s. c 7: See note following RCW 43.03.027.

Effective date—Intent—Legislation to reconcile chapter 161, Laws of 2010 and other amendments made during the 2010 legislative session—2010 c 161: See notes following RCW 46.04.013.

Application—2003 c 370: "Sections 2 and 3 of this act take effect for renewals that are due or become due on or after November 1, 2003." [2003 c 370 § 6.] Section 2 of this act was vetoed by the governor.

Effective dates—1996 c 315 §§ 1, 4, 5: "(1) Section 4 of this act and the amendments to RCW 46.01.140(4) (a) and (c) by section 1 of this act become effective on vehicle fees due or to become due on January 1, 1997, and thereafter.

(2) Section 5 of this act and the amendments to RCW 46.01.140(4) (a) and (c) by section 1 of this act become effective on vessel fees due or to become due on July 1, 1997, and thereafter.

(3) The amendments to RCW 46.01.140(5) (a) and (b) by section 1 of this act become effective on July 1, 1996." [1996 c 315 § 6.]

Effective date—1991 c 339 §§ 16, 17: "Sections 16 and 17 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1991." [1991 c 339 § 34.]

Severability—1987 c 302: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1987 c 302 § 5.]

Effective date—1971 ex.s. c 231: See note following RCW 46.01.130.

RCW 46.01.150 Branch offices. The department may maintain such branch offices within the state as the director may deem necessary properly to carry out the powers and duties vested in the department. [1965 c 156 § 15.]

Office of department, maintenance at state capital: RCW 43.17.050.

RCW 46.01.160 Forms for applications, certificates of title, registration certificates, etc. The director shall prescribe and provide suitable forms of applications, certificates of title and registration certificates, drivers' licenses, and all other forms and licenses requisite or deemed necessary to carry out the provisions of this title and any other laws the enforcement and administration of which are vested in the department. [2010 c 161 § 1109; 1965 c 156 § 16.]

Effective date—Intent—Legislation to reconcile chapter 161, Laws of 2010 and other amendments made during the 2010 legislative session—2010 c 161: See notes following RCW 46.04.013.

Director to prescribe forms for applications, licenses, and certificates: RCW 43.24.040.

RCW 46.01.170 Seal. The department shall have an official seal with the words "Department of Licensing of Washington" engraved thereon. [1977 ex.s. c 334 § 4; 1965 c 156 § 17.]

Effective date—1977 ex.s. c 334: See note following RCW 46.01.011.

RCW 46.01.180 Oaths and acknowledgments. Officers and employees of the department designated by the director are, for the purpose of administering the motor vehicle laws, authorized to administer oaths and acknowledge signatures and shall do so without fee. [1965 c 156 § 18.]

Oath of director: RCW 43.17.030.

RCW 46.01.190 Designation of state patrol as agent for surrender of drivers' licenses. The director of licensing may designate the Washington state patrol as an agent to secure the surrender of drivers' licenses which have been suspended, revoked, or canceled pursuant to law. [1979 c 158 § 123; 1965 c 156 § 19.]

RCW 46.01.230 Payment by check or money order—Dishonored checks or money orders—Failure to surrender canceled certificate, registration, or permit—Immunity from payment of uncollected fees—

Rules. (1) The department may accept checks and money orders for the payment of drivers' licenses, certificates of title and vehicle registrations, vehicle excise taxes, gross weight fees, and other fees and taxes collected by the department. Whenever registrations, licenses, or permits have been paid for by checks or money orders that have been dishonored by nonacceptance or nonpayment, the department shall:

(a) Cancel the registration, license, or permit;

(b) Send a notice of cancellation by first-class mail using the last known address in department records for the holder of the certificate, license, or permit, and complete an affidavit of first-class mail; and

(c) Assess a handling fee, set by rule.

(2) It is a traffic infraction to fail to surrender a certificate of title, registration certificate, or permit to the department or to an authorized agent within ten days of being notified that the certificate, registration, or permit has been canceled.

(3) County auditors, agents, and subagents appointed by the director may collect restitution for dishonored checks and money orders and keep the handling fee.

(4) A person who has recently acquired a vehicle by purchase, exchange, gift, lease, inheritance, or legal action is not liable or responsible for the payment of uncollected fees and taxes that were paid for by a predecessor's check or money order that was subsequently dishonored. The department may not deny an application to transfer ownership for the uncollected amount.

(5) The director may adopt rules to implement this section. The rules must provide for the public's convenience consistent with sound business practice and encourage annual renewal of vehicle registrations by mail, authorizing checks and money orders for payment. [2010 c 161 § 205; 2003 c 369 § 1; 1994 c 262 § 1; 1992 c 216 § 2; 1987 c 302 § 2; 1979 ex.s. c 136 § 39; 1979 c 158 § 124; 1975 c 52 § 1; 1965 ex.s. c 170 § 44.]

Effective date—Intent—Legislation to reconcile chapter 161, Laws of 2010 and other amendments made during the 2010 legislative session—2010 c 161: See notes following RCW 46.04.013.

Effective date—2003 c 369: "This act takes effect October 1, 2003." [2003 c 369 § 2.]

Severability—1987 c 302: See note following RCW 46.01.140.

Effective date—Severability—1979 ex.s. c 136: See notes following RCW 46.63.010.

RCW 46.01.235 Payment by credit or debit card. The department may adopt necessary rules and procedures to allow use of credit and debit cards for payment of fees and excise taxes to the department and its agents or subagents related to the licensing of drivers, the issuance of identicards, and vehicle and vessel certificates of title and registration. The department may establish a convenience fee to be

paid by the credit or debit card user whenever a credit or debit card is chosen as the payment method. The fee must be sufficient to offset the charges imposed on the department and its agents and subagents by credit and debit card companies. In no event may the use of credit or debit cards authorized by this section create a loss of revenue to the state.

The use of a personal credit card does not rely upon the credit of the state as prohibited by Article VIII, section 5 of the state Constitution. [2010 c 161 § 207; 2004 c 249 § 9; 1999 c 271 § 1.]

Effective date—Intent—Legislation to reconcile chapter 161, Laws of 2010 and other amendments made during the 2010 legislative session—2010 c 161: See notes following RCW 46.04.013.

RCW 46.01.240 Internet payment option. (1) The department shall provide on its internet payment option website:

(a) That a filing fee will be collected on all transactions subject to a filing fee;

(b) That a subagent service fee will be collected by a subagent office for mail or pickup licensing services; and

(c) The amount of the filing and subagent service fees.

(2) The filing and subagent service fees must be shown below each office listed. [2010 c 161 § 206.]

Effective date—Intent—Legislation to reconcile chapter 161, Laws of 2010 and other amendments made during the 2010 legislative session—2010 c 161: See notes following RCW 46.04.013.

RCW 46.01.250 Certified copies of records—Fee. The director shall have the power and it shall be his or her duty upon request and payment of the fee as provided herein to furnish under seal of the director certified copies of any records of the department, except those for confidential use only. The director shall charge and collect therefor the actual cost to the department. Any funds accruing to the director of licensing under this section shall be certified and sent to the state treasurer and by him or her deposited to the credit of the highway safety fund. [2010 c 8 § 9001; 1979 c 158 § 125; 1967 c 32 § 3; 1961 c 12 § 46.08.110. Prior: 1937 c 188 § 80; RRS § 6312-80. Formerly RCW 46.08.110.]

RCW 46.01.260 Destruction of records by director. (1) Except as provided in subsection (2) of this section, the director may destroy applications for vehicle registrations, copies of vehicle registrations issued, applications for drivers' licenses, copies of issued drivers' licenses, certificates of title and registration or other documents, and records or supporting papers on file in the department that have been microfilmed or photographed or are more than five years old. The director may destroy applications for vehicle registrations that are renewal applications when the computer record of the applications has been updated.

(2) (a) The director shall not destroy records of convictions or adjudications of RCW 46.61.502, 46.61.503, 46.61.504, 46.61.520, and 46.61.522, records of deferred prosecutions granted under RCW

10.05.120, or any other records of a prior offense as defined in RCW 46.61.5055 and shall maintain such records permanently on file.

(b) For purposes of RCW 46.52.101 and 46.52.130, offenses subject to this subsection shall be considered "alcohol-related" offenses. [2016 c 203 § 3; 2015 2nd sp.s. c 3 § 10; 2010 c 161 § 208; 2009 c 276 § 2; 1999 c 86 § 2; 1998 c 207 § 3; 1997 c 66 § 11; 1996 c 199 § 4; 1994 c 275 § 14; 1984 c 241 § 1; 1971 ex.s. c 22 § 1; 1965 ex.s. c 170 § 45; 1961 c 12 § 46.08.120. Prior: 1955 c 76 § 1; 1951 c 241 § 1; 1937 c 188 § 77; RRS § 6312-77. Formerly RCW 46.08.120.]

Finding—Intent—2015 2nd sp.s. c 3: See note following RCW 10.21.055.

Effective date—Intent—Legislation to reconcile chapter 161, Laws of 2010 and other amendments made during the 2010 legislative session—2010 c 161: See notes following RCW 46.04.013.

Effective date—1998 c 207: See note following RCW 46.61.5055.

Severability—1996 c 199: See note following RCW 9.94A.505.

Short title—Effective date—1994 c 275: See notes following RCW 46.04.015.

RCW 46.01.270 Destruction of records by county auditor or other agent. A county auditor or other agent appointed by the director may destroy applications for vehicle registrations and any copies of vehicle registrations or other records issued after those records have been on file in the county auditor's or other agent's office for a period of eighteen months, unless otherwise directed by the director. [2010 c 161 § 209; 1991 c 339 § 18; 1967 c 32 § 4; 1961 c 12 § 46.08.130. Prior: 1937 c 188 § 78; RRS § 6312-78. Formerly RCW 46.08.130.]

Effective date—Intent—Legislation to reconcile chapter 161, Laws of 2010 and other amendments made during the 2010 legislative session—2010 c 161: See notes following RCW 46.04.013.

RCW 46.01.290 Director to make annual reports to governor. The director shall report annually to the governor on the activities of the department. [1977 c 75 § 66; 1967 c 32 § 5; 1965 c 28 § 1; 1961 ex.s. c 21 § 29. Formerly RCW 46.08.200.]

RCW 46.01.310 Immunity of director, the state, county auditors, agents, and subagents. No civil suit or action may ever be commenced or prosecuted against the director, the state of Washington, any county auditor or other agents appointed by the director, any other government officer or entity, or against any other person, by reason of any act done or omitted to be done in connection with the titling or registration of vehicles or vessels while administering duties and responsibilities imposed on the director or as an agent of the director, or as a subagent of an agent of the director. This section does not bar the state of Washington or the director from bringing any

action, whether civil or criminal, against any agent, nor shall it bar a county auditor or other agent of the director from bringing an action against the agent. [2010 c 161 § 210; 1987 c 302 § 3.]

Effective date—Intent—Legislation to reconcile chapter 161, Laws of 2010 and other amendments made during the 2010 legislative session—2010 c 161: See notes following RCW 46.04.013.

Retroactive application—1987 c 302 § 3: "Section 3 of this act shall apply retroactively to all claims for which actions have not been filed before May 8, 1987." [1987 c 302 § 4.]

Severability—1987 c 302: See note following RCW 46.01.140.

RCW 46.01.315 Immunity of director, the state, licensed driver training schools, and school districts in administering knowledge and driving portions of driver licensing examination. A civil suit or action may not be commenced or prosecuted against the director, the state of Washington, any driver training school licensed by the department, any other government officer or entity, including a school district or an employee of a school district, or against any other person, by reason of any act done or omitted to be done in connection with administering the portions of the driver licensing examination that test the applicant's knowledge of traffic laws and ability to safely operate a motor vehicle. This section does not bar the state of Washington or the director from bringing any action, whether civil or criminal, against any driver training school licensed by the department. [2011 c 370 § 3.]

Intent—2011 c 370: See note following RCW 28A.220.030.

Inclusion of stakeholder groups in communications to facilitate transition of driver licensing examination administration—2011 c 370: See note following RCW 46.82.450.

RCW 46.01.320 Title and registration advisory committee.

Reviser's note: RCW 46.01.320 was amended by 2010 c 161 § 1110 without reference to its repeal by 2010 1st sp.s. c 7 § 137. It has been decodified for publication purposes under RCW 1.12.025.

RCW 46.01.330 Facilities siting coordination. The state patrol and the department of licensing shall coordinate their activities when siting facilities. This coordination shall result in the collocation of driver and vehicle licensing and vehicle inspection service facilities whenever possible.

The department and state patrol shall explore alternative state services, such as vehicle emission testing, that would be feasible to collocate in these joint facilities. The department and state patrol shall reach agreement with the department of transportation for the purposes of offering department of transportation permits at these one-stop transportation centers. All services provided at these transportation service facilities shall be provided at cost to the participating agencies.

In those instances where the community need or the agencies' needs do not warrant collocation this section shall not apply. [1993 sp.s. c 23 § 46.]

Effective dates—1993 sp.s. c 23: See note following RCW 43.89.010.

RCW 46.01.340 Database of fuel dealer and distributor license information. By December 31, 1996, the department of licensing shall implement a PC or server-based database of fuel dealer and distributor license application information. [1996 c 104 § 17.]

RCW 46.01.350 Fuel tax advisory group. By July 1, 1996, the department of licensing shall establish a fuel tax advisory group comprised of state agency and petroleum industry representatives to develop or recommend audit and investigation techniques, changes to fuel tax statutes and rules, information protocols that allow sharing of information with other states, and other tools that improve fuel tax administration or combat fuel tax evasion. [1996 c 104 § 18.]

RCW 46.01.360 Fees—Study and adjustment. To ensure cost recovery for department of licensing services, the department of licensing shall submit a fee study to the transportation committees of the house of representatives and the senate by December 1, 2003, and on a biennial basis thereafter. Based on this fee study, the Washington state legislature will review and adjust fees accordingly. [2002 c 352 § 27.]

Effective dates—2002 c 352: See note following RCW 46.09.410.

RCW 46.01.370 Authority to sell and distribute discover passes and day-use permits. The department may, in coordination with the state parks and recreation commission, offer for sale and distribute discover passes and day-use permits, as provided in chapter 79A.80 RCW, at the department's drivers' licenses offices. Any amounts collected by the department through the sales of discover passes and day-use permits must be deposited in the recreation access pass account created in RCW 79A.80.090. [2012 c 261 § 11.]

Effective date—2012 c 261: See note following RCW 79A.80.010.

RCW 46.01.380 Cost recovery—Portion of credit card and other financial transaction costs. The department must implement cost recovery mechanisms to recoup at least a portion of credit card and other financial transaction costs as part of charges imposed for driver and vehicle fee transactions. The department must develop a method of tracking the amount of credit card and other financial cost recovery revenues. The department must notify the state treasurer of these amounts and the state treasurer must deposit these revenues in the agency financial transaction account created in RCW 46.01.385 on a quarterly basis. [2021 c 32 § 1.]

Effective date—2021 c 32: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2021." [2021 c 32 § 3.]

RCW 46.01.385 Agency financial transaction account. The agency financial transaction account is created in the state treasury. Receipts directed by law to the account from cost recovery charges for credit card and other financial transaction fees must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for paying credit card and financial transaction fees, and other related costs incurred by state agencies. During the 2021-2023 fiscal biennium, expenditures from the account may also be used for additional information technology costs related to supporting the department of licensing operations and addressing its staffing shortages. [2022 c 186 § 703; 2021 c 32 § 2.]

Effective date—2022 c 186: See note following RCW 47.01.071.

Effective date—2021 c 32: See note following RCW 46.01.380.